

## **SUBCHAPTER 2. PESTICIDE PRODUCT REGISTRATION, GENERAL REQUIREMENTS, PROHIBITED AND RESTRICTED USE PESTICIDES**

### **7:30-2.1 Registration**

(a) No person shall hold, use, distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any pesticide unless it is currently registered with the Department.

(b) Each pesticide product including each EPA Registration Number, each supplemental registration each brand name, trade name, formulation, specific fertilizer/pesticide mixture, Experimental Use Pesticide, Special Local Need, FIFRA Sec. 24(c), or Emergency Exemption, FIFRA Sec.18, shall be registered separately.

(c) At the time of registration, the registrant shall file a statement with the Department which includes:

1. The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's;
2. The brand name of the pesticide;
3. A complete copy of the current label, which shall contain all statements, words, graphic material and any other information required by FIFRA, and the labeling accompanying the pesticide and a statement of all claims including the directions and precautions for use;
  - i. If a label or labeling is revised during the registration year, the registrant shall submit a copy of the revised label or labeling within 30 days.
4. The use classification of the pesticide as required by Federal or State regulations;
5. For registrants of any TBT antifoulant paint labeled for marine uses, a certification which states that the TBT antifoulant paint has an acceptable release rate; and
6. Initial product registration of pesticide active ingredients not previously registered in New Jersey shall supply the following information, if available:
  - i. A Material Safety Data Sheet (MSDS) which is created by the pesticide product registrant;
  - ii. A US EPA Notice of Pesticide Registration/Reregistration, or US EPA Notice of Supplemental Distribution; and
  - iii. US EPA required Fact Sheet for the Active Ingredient(s).

(d) When deemed appropriate, the Department may also require, for initial or continuing registration of a pesticide, the submission of the complete formula of the pesticide, including all active and inert ingredients, and any other necessary information relating to the pesticide's safe and effective use. This information may include studies submitted to US EPA for registration/permit purposes, or a list of such studies. The Department shall advise the registrant by mail of what information is needed and the reason thereof and provide a reasonable time for response from the registrant.

(e) For initial or continuing registration of pesticide products which are labeled as termiticides; resource manuals, clean-up procedures, and sampling methodology shall be supplied. Information concerning the following areas of decontamination, sampling and analytical methodology shall be supplied, where available:

1. Personal decontamination;
2. Spill containment (large and small);
3. Decontamination of heating/cooling ducts and units;
4. Decontamination of surface soil (interior and exterior);

5. Decontamination of hard surfaces (permeable and non-permeable);
6. Decontamination of french drains;
7. Decontamination of upholstery, carpeting, clothing, drapery, etc.;
8. Decontamination of potable water;
9. Air monitoring and analytical methodology;
10. Swab (wipe) sampling and analytical methodology;
11. Soil sampling and analytical methodology;
12. Water sampling and analytical methodology; and
13. Tissue sample analytical methodology.

(f) Information required pursuant to (d) above shall be considered confidential and shall not be made public by the Department unless the Department has first determined that the disclosure is necessary to protect against a significant risk of injury or damage and has notified the registrant of the intent to disclose the information at least 30 days prior to doing so.

(g) In the case of renewal of registration, the registrant shall be required to furnish only information which is different from that furnished when the pesticide was registered or re-registered during the previous registration year.

(h) Before holding, using, distributing, selling, or offering for sale any pesticide in this State, the applicant or registrant shall pay an annual registration fee of **\$300.00** to the Department or its authorized representative for each pesticide to be registered. All such registrations shall expire on December 31 of each calendar year.

(i) Any registration processed by the Department and in effect on December 31 of the year for which a renewal application has been made and the proper fee paid, shall continue in full force and effect until the Department notifies the registrant that the registration has been renewed or denied. Forms for registration shall be mailed to the registrant at least thirty (30) days prior to the due date.

(j) If the renewal of a pesticide registration is not filed prior to January 1 of any one year, an additional fee of \$100.00 per product may be assessed and added to the total registration fee and shall be paid by the registrant before the renewal registration for any pesticide(s) shall be issued. The payment of such additional fee shall not preclude any other actions deemed necessary by the Department.

(k) All Federal, State and county agencies or municipalities shall register all pesticides held, used, distributed, sold, or offered for sale by them but shall not be required to pay the registration fee.

(l) Any registrant shall notify the Department in writing within 30 days when the distribution, sale, transportation, holding or storage of a registered pesticide product ceases. Any person who has registered a pesticide pursuant this section shall continue to register that specific pesticide for two registration years beyond the last year of distribution, sale, transportation, holding or storage except as delineated below. The Department may waive the required registration fee for end users beyond this two year period.

1. If the US EPA issues provisions for the use of existing stocks of the pesticide that are shorter than two years, then the Department shall require registration for the shorter period.
2. Special Local Need (FIFRA Section 24(c)) product registrations shall be registered for only one year beyond the cancellation date.
3. Experimental use pesticides shall not be registered beyond the expiration date of the Federal or New Jersey experimental use permit.

- (m) The provisions of this section shall not apply to:
1. A pesticide if it is shipped from one plant or warehouse to another plant or warehouse and is used solely at such plant or warehouse as a constituent part to make a pesticide; provided, however, that the pesticide is not technical grade material which is required by the EPA to be registered.
  2. Any carrier while lawfully engaged in transporting a pesticide within this State, if such carrier shall, immediately upon request, permit the Department to examine and copy all records which shall identify the transactions in and movement of the pesticide.
  3. Public officials of this state and the Federal government while engaged in the performance of their official duties in administering State or Federal pesticide laws or regulations or while engaged in pesticide research.
  4. Any pesticide which is intended solely for export to a foreign country, and is prepared or packed according to the specifications or directions of the purchaser; provided that all provisions of this subchapter shall apply if the pesticide is not exported.
  5. Any "minimum risk" pesticide exempted from regulation by US EPA under 40 CFR Part 152, except that the Department may regulate and require registration of any pesticide if conditions indicate the need for such registration and regulation.

(n) If a person who is required to register a pesticide product pursuant to (a) above refuses to comply with any of the provisions of this section, the Department may refuse to register, cancel the registration of, embargo, secure or impound the registrant's violative products in New Jersey, pursuant to N.J.A.C. 7:30-2.8, until such time as compliance is obtained.

**(o) No person shall hold, use, distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State or between points within this State through any point outside this State any pesticide or pesticide container, unless he or she complies with the requirements of 40 C.F.R. Parts 9, 156 and 165 (otherwise known as the Federal Container and Containment regulations).**

#### **7:30-2.2 Registrations pursuant to the provisions of Sections 18 and 24(c) of FIFRA**

(a) The Department may issue emergency exemption registrations pursuant to the provisions of Section 18 of FIFRA if the State has been authorized by the Administrator of the US EPA to issue such registrations. The issuance of such registrations shall comply with the terms and conditions of such authorization and any rules and regulations promulgated under the provisions of Section 18 of FIFRA. The registration application shall be made on an application form supplied by the Department, which can be obtained by contacting the Pesticide Control Program, P.O. Box 411, Trenton, NJ 08625-0411.

(b) The Department may issue a Special Local Need registration pursuant to the provisions of Section 24(c) of FIFRA if:

1. The state is authorized by the Administrator of the US EPA to issue such registrations; and
2. The Department has received US EPA Form No. 8570-25 and all other information requested in the Department's instruction sheet; and
3. The composition of the pesticide is such as to warrant the proposed claims for it; and
4. The labeling and other material required to be submitted comply with the requirements of FIFRA, the Act or any rules and regulations promulgated thereunder; and
5. The pesticide will perform its intended function without significant risk of injury or damage; and

6. When used in accordance with widespread and commonly recognized practices the pesticide will not generally cause significant risk of injury or damage; and
7. The classification for general or restricted use is in conformity with State of New Jersey regulations and section 3(d) of FIFRA.

(c) Special local need registrations shall be subject to periodic review by the Department. As a result of that review, revisions to the label of the Special Local Need registration may be required in order for that registration to continue to be registered for use in the State.

(d) A Special Local Need registration shall be registered for use in the State for one additional year after distribution in the State has ceased, in order to allow for the use of existing stocks in the hands of users.

### **7:30-2.3 Experimental use permits**

- (a) The holder of a Federally issued experimental use permit shall:
  1. Submit to the Department, Pesticide Control Program a copy of the EPA stamped, accepted and finished printed experimental use permit label;
  2. Submit to the Department, Pesticide Control Program a copy of the EPA letter which authorizes and approves the experimental use permit and which defines the parameters of the experimental use permit;
  3. Submit to the Department, Pesticide Control Program a copy of the experimental use program protocol which outlines the use of the experimental pesticide in New Jersey.
  4. Submit to the Department, Pesticide Control Program a copy of the Material Safety Data Sheet (MSDS) which is created by the holder of the Federally-issued experimental use permit for the experimental pesticide.
  5. Submit to the Department, Pesticide Control Program the name, address and exact location of the field(s) being treated, and acreage of the site(s) in New Jersey where the experimental pesticide will be used;
  6. Submit to the Department, Pesticide Control Program the name(s) and address(es) and telephone number(s) of any person(s) who will be applying the experimental use pesticide in New Jersey;
  7. Submit to the Department, Pesticide Control Program the name(s), address(es) and telephone number(s) of any person(s) whose property in New Jersey will be used for the experimental use program; and
  8. Submit to the Department, Pesticide Control Program, upon request a copy of the reports required under Federal regulations.
- (b) Provided that the state is authorized by the Administrator of EPA to issue experimental use permits and subject to the terms and conditions of such authorization, the Department may:
  1. Determine the condition(s) and situation(s) under which an experimental use permit would be necessary;
  2. Issue an experimental use permit to any person applying for an experimental use permit, if the Department determines that the applicant needs such permit, and that the pesticide use under the proposed terms and conditions would not cause a significant risk of injury or damage;
  3. Prescribe terms, conditions, and the period of time for the experimental use permit;
  4. Revoke or modify any experimental use permit at any time, if the Department finds that the terms and conditions of the permit are being violated or if the Department finds that the

terms and conditions of the permit are inadequate to avoid a significant risk of injury or damage.

(c) Any person who intends to test or use a substance to determine its potential for pesticidal activity under conditions which do not require an experimental use permit from the US EPA shall notify the Department, Pesticide Control Program of the name and address of the person testing the substance and the location(s) where the substance will be tested.

#### **7:30-2.4 Refusal, cancellation, or suspension of a pesticide registration**

(a) The Department may refuse to register any pesticide, if:

1. The Department determines that the pesticide does not warrant the proposed claims;
2. The pesticide is highly toxic and there is no effective antidote under the conditions of use for which such pesticide is intended or recommended;
3. The pesticide is recommended for use on food or feed crops, and the EPA has not established for such pesticide a tolerance or exemption from the need of a tolerance or a temporary tolerance or exemption from the need of a temporary tolerance; or
4. The pesticide and its labeling and other material required to be submitted for registration do not comply with the provisions of FIFRA, the Act or rules and regulations promulgated thereunder.

(b) The Department may cancel or suspend the registration of any pesticide upon determination that the pesticide or its labeling does not comply with the provisions of FIFRA, the Act or this chapter, or upon determination that continued use of a pesticide would present a significant risk of harm, injury or damage; provided, that no registration shall be canceled or suspended until the registrant has been given a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq.

(c) The Department, upon determination that an imminent hazard to man or the environment would result from continued distribution or use of a pesticide, may issue an order immediately prohibiting such distribution or use pending the final cancellation or suspension hearing given the registrant. Such hearing shall be scheduled on an expedited basis.

(d) If the Department refuses registration as provided in (a) above, the Department shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply, so as to afford the registrant an opportunity to make the necessary corrections. If, after receipt of such notice, the registrant does not make the necessary corrections within 30 days, the Department shall refuse registration and afford the registrant a hearing pursuant to the Administrative Procedure Act and the Uniform Administrative Rules of Practice. In the event corrections take more than 30 days, the Department may hold the review status in abeyance for a period as determined by the Department to be adequate to comply with the mandated corrections.

#### **7:30-2.5 Right of entry, or collection of samples**

(a) In order to determine compliance with the requirements of the Act or rules promulgated thereunder, the Department may, at reasonable hours, enter any building or place except private residences pursuant to (c) below, for the purpose of investigating an actual or suspected violation relating to pesticides, ascertaining compliance or non-compliance with any rules, regulations or orders of the Department. The Department may conduct an inspection or sampling, and may procure samples for analysis or examination from

any premises, lot, package or parcel of pesticide or substance suspected to contain a pesticide. If the owner, operator or agent in charge of the place to be inspected is present, officers or employees of the Department shall notify him or her of their intent to inspect or sample and inform him or her of the reason therefore. Having been so notified, no person shall prevent officers or employees of the Department from conducting such investigation, inspection or sampling.

(b) Notification pursuant to (a) above may also consist of a "Notice Of Attempt To Contact" delivered by hand to an employee, an owner, operator or agent in charge, or sent by certified mail, receipt acknowledged.

1. When such "Notice" has been sent by certified mail, an owner, operator or agent in charge of the place to be inspected shall have one week after the date of delivery to contact the Department, Pesticide Control Program and arrange for the inspection or sampling.

(c) Those portions of a private residence used for business purposes shall be accessible for inspection and sampling. These portions include, but are not limited to, the office and record keeping areas, storage areas, mixing/loading sites, and vehicle parking areas.

(d) Compliance with this section shall be a condition of product registration for any out-of-State registrant.

#### **7:30-2.6 Records**

(a) Any person issued a product registration under the provisions of this subchapter shall maintain and, upon request by the Department, submit accurate records containing the following information:

1. The delivery, movement, or holding of any pesticide including the quantity;
2. The date of shipment and receipt;
3. The name of consignor and consignee.

(b) The Department shall have access to such records at any reasonable time to copy or make copies of such records for the purpose of carrying out the provisions of this subchapter.

#### **7:30-2.7 General requirements**

(a) No person shall hold, use, distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State:

1. Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration;
2. Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container-and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read-a label bearing the following information:
  - i. The name and address of the producer, registrant or person for whom produced; and
  - ii. The brand or trade name under which the pesticide is distributed; and
  - iii. An ingredient statement on that part of the immediate container-and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read-which is presented or displayed under

- customary conditions of purchase; provided, that the ingredient statement may appear prominently on some other part of the container, as permitted by the provisions of FIFRA, if the size or form of the container makes it impracticable to place the ingredient statement on the part which is presented or displayed under customary conditions of purchase; and
- iv. Directions for use and a warning or caution statement which are necessary and which, if complied with, would be adequate for the protection of health and protection against injury to plants, animals, and the environment; and
  - v. The net weight or measure of the contents; and
  - vi. The EPA establishment number assigned to each establishment in which it was produced and the EPA registration number, and supplemental registration number, if applicable, assigned to the pesticide, if required by regulations under FIFRA;
  - vii. A statement of the use classification, if any, under which the product is federally registered; and
  - viii. Any other information required by Federal regulations or the Act or any rules and regulations promulgated thereunder.
3. Any pesticide which has not been colored or discolored pursuant to the provisions of FIFRA, the Act or rules and regulations promulgated thereunder;
  4. Any pesticide which is adulterated or misbranded;
  5. Any pesticide in containers which have become unsafe;

(b) The provisions of (a) above shall not apply to:

1. Any carrier while lawfully engaged in transporting a pesticide within this State, if such carrier shall, immediately upon request, permit the Department to copy all records which shall indicate the transactions in and movement of the pesticide;
2. Public officials of this State and the Federal government while engaged in the performance of their official duties in administering State or Federal pesticide laws or rules and regulations or while engaged in pesticide research;
3. The manufacturer or distributor of a pesticide for experimental use only by or under the supervision of this State or of the Federal government; provided, that such manufacturer or distributor holds a valid experimental use permit as provided for by N.J.A.C. 7:30-2.3 or by the US EPA;
4. Any pesticide which is intended solely for export to a foreign country, and is prepared or packed according to the specifications or directions of the purchaser; provided, that all provisions of this subchapter shall apply if the pesticide is not exported.

(c) The Department may authorize the distribution, sale or use of any pesticide upon request by the Commissioner of the Department of Health and Senior Services or the Secretary of the Department of Agriculture, and when the Department of Environmental Protection determines that such action will serve the interest of the public health, safety, or welfare.

(d) No person shall detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in the Act or rules and regulations promulgated thereunder.

(e) No person shall add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of the Act or the rules and regulations promulgated thereunder.

(f) No person shall use for his or her own advantage or reveal, other than to the Commissioner or proper officials or employees of the State or Federal executive agencies, or to the courts of the State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the

preparation of antidotes, any information relative to formulas of products acquired by authority of N.J.A.C. 7:30-2.1, 2.2, or 2.3 or any information judged by the Department as containing or relating to trade secrets or commercial or financial information obtained by authority of the Act or rules and regulations promulgated thereunder.

(g) No person shall refuse, upon a request in writing specifying the nature or kind of pesticide to which such request relates, to furnish to or permit any person designated by the Commissioner to have access to and to copy such records of business transactions as may be essential in carrying out the purposes of the Act or rules and regulations promulgated thereunder.

(h) No person shall hold, use, distribute, sell, or offer for sale or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any pesticide if part or all of its registered pesticide label or labeling is missing, obscured, altered, unreadable or otherwise damaged beyond use or recognition.

(i) No person shall handle, store, display, distribute or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any pesticide in a manner that may endanger man or his environment or that may contaminate food, feed, or any other product that may be transported, handled, stored, displayed, or distributed with such pesticide.

(j) No person shall make false or misleading claims through any media relating to the effects of a pesticide, the degree of certification required, or the application methods to be utilized.

**(k) No person shall hold, use, distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State or between points within this State through any point outside this State any pesticide or pesticide container, unless he or she complies with the requirements of 40 C.F.R. Parts 9, 156 and 165 (otherwise known as the Federal Container and Containment regulations).**

**(l) Notwithstanding the responsibility of any other person or the exemption from the provisions of any other section of this subchapter, each employer shall be held responsible for any violation of the act committed by his or her employee in the scope of his or her employment. This responsibility shall be joint and several.**

#### **7:30-2.8 Order to Secure or Impound; disposition of Pesticides**

(a) Any pesticide that is being held, used, distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State may be secured or impounded by order of the Department if the Department finds, or has probable cause to believe, that it is in violation of any provision of the Act or this chapter. No such pesticide shall be removed, disposed of or used until permission is given by the Department or a judge of a court of competent jurisdiction.

(b) The owner, owner's agent or custodian of such pesticide who has applied for a hearing within 15 days after the issuance of the Notice of Violation shall be afforded an expedited hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice N.J.A.C. 1:1.

(c) If such pesticide subject to the secure or impoundment order as provided for by the Pesticide



Control Act is of such character that when properly marked or branded, its sale is not prohibited by the Act or this chapter, such article shall be released to the owner, owner's agent or custodian upon payment of the Department's costs and the execution and delivery to the Department as obligee of a good and sufficient surety bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of the Act, this chapter, the laws of the United States, or the written authorization to release. The value of such surety bond shall be determined by the Department, based on the value of the article secured or impounded and the costs of the proceeding.

(d) If, upon a hearing to consider confiscation and disposal of a secured or impounded pesticide, it is determined that the pesticide was offered or exposed for sale, or a person was in possession with intent to distribute or sell, or that the pesticide was intended for distribution or sale in violation of any of the provisions of the Act or this chapter, it shall be disposed of by destruction or sale as the court or judge may direct, but no such articles shall be sold contrary to the provisions of the Act.

#### **7:30-2.9 Prohibited pesticides**

(a) No person shall distribute, sell, offer for sale, purchase, or use any pesticide which has been suspended or canceled by the EPA, except as provided for in the suspension or cancellation order.

(b) All marine uses of free association formulas of antifoulant paints and co-polymer formulations with release rates greater than the acceptable release rate as defined in this subchapter are prohibited.

(c) No person shall distribute, sell, offer for sale, purchase, or use any pesticide which has been suspended or canceled by the State, except as provided for in the suspension or cancellation order.

#### **7:30-2.10 Restricted use pesticides**

(a) The following pesticides are restricted use pesticides which can be purchased and/or used only by certified and licensed responsible pesticide applicators or used only by persons working under their direct supervision. Unless it is otherwise provided, all formulations, isomers of actives (even isomers or formulations with differing CAS numbers) and uses of the following pesticides are restricted use.

1. Any pesticide classified by the Administrator of the EPA for restricted use under the provisions of section 3(d)(1) of FIFRA.
2. Any fumigant including, but not limited to, those listed in (a)4v below, except:
  - i. Any pesticide containing naphthalene, ortho-dichlorobenzene, and/or para-dichlorobenzene as the sole active ingredient or in combination with another active ingredient which is not classified for restricted use if the pesticide product is used to control mosquitoes or clothes moths, or to repel warm-blooded animals;
  - ii. Any sulphur candle fumigator intended to control general household pests;
  - iii. Any coils containing pyrethrins and/or allethrin as the active ingredient which are used to control flies and/or mosquitoes;
3. Any aquatic pesticide which contains labeling instructions indicating that the pesticide is intended for use on aquatic sites, except any "minimum risk" pesticide exempted from regulation by N.J.A.C. 7:30-2.1(m)5.
4. Any pesticide with one or more of the active ingredients listed below:
  - i. Fungicides, nematicides, and other materials as follows:

<b>CAS Number</b>	<b>Common Name</b>
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7440-43-9	Cadmium products (containing salts or metal complexes)
534-52-1	DNOC, DNC
131-89-5	DNOCHP, dinitrocyclohexylphenol
22224-92-6	fenamiphos
140-56-7	fenaminosulf (concentrations above 5%)
7439-97-6	Any pesticide containing mercury as an inorganic or organic compound except those used as a drug as defined in N.J.S.A. 24:21-2, those used as a fungicide in the treatment of textiles and fabrics intended for continuous outdoor use, those used as an in-can preservative in water-based paints and coatings, or those used as a fungicide in water-based paints and coatings used for exterior application.
87-86-5	pentachlorophenol, PCP (concentrations above 5% for non-wood preservative uses)
26628-22-8	sodium azide, azide (concentrations above 0.5%)
297-97-2	thionazin
various	tributyltin (marine uses of formulations with acceptable release rates)
76-87-9	triphenyltin hydroxide (concentrations above 10%)

ii. Herbicides/growth regulators as follows:

94-75-7	2,4-dichlorophenoxy-acetic acid (2,4-D)(concentrations above 20%)
5742-19-18	2,4-D diethanolamine salt (concentrations above 20%)
2008-39-1	2,4-D dimethylamine salt (concentrations above 20%)
2702-72-9	2,4-D sodium salt (concentrations above 20%)
1929-73-3	2,4-D butoxyethanol ester (concentrations above 20%)
1928-45-6	2,4-D propylene glycol butyl ether esters (concentrations above 20%)
1928-43-4	2,4-D 2-ethylhexyl ester (concentrations above 20%)
25168-26-7	2,4-D isooctyl ester (concentration above 20%)
533-23-3	2,4-D ethyl ester
94-11-1	2,4-D isopropyl ester
1928-38-71	2,4-D methyl ester
94-80-4	2,4-D mixed butyl esters
1713-15-1	2,4-D mixed isobutyl esters
93-76-5	2,4,5-T
50-31-7	2,3,6-TBA and related polychlorobenzoic acids, dimethylamine salts
15972-60-8	alachlor
61-82-5	amitrole
21725-46-2	cyanazine (concentrations above 30%)
596-84-5	daminozide
88-85-7	dinoseb
7784-46-5	sodium arsenite
7775-09-9	sodium chlorate (concentrations above 7%)
159518-97-5	cloransulam
98967-40-9	flumetsulam

iii. Insecticides as follows:

390-00-2	aldrin
86-50-0	azinphos-methyl
22781-23-3	bendiocarb (concentrations above 15%)

122-10-1	bomyl (concentrations above 1%)
57-74-9	chlordan
2921-88-2	chlorpyrifos (concentrations above 15%)
56-72-4	coumaphos (concentrations above 5%)
333-41-5	diazinon (concentrations above 25%)
62-73-7	dichlorvos (concentrations above 0.5%)
60-57-1	dieldrin
60-51-5	dimethoate (concentrations above 25%)
298-04-4	disulfoton (concentrations above 2%)
115-29-7	endosulfan
72-20-8	endrin
563-12-1	ethion (concentrations above 6% Granular and 3% other formulations)
55-38-9	fenthion (concentrations above 0.5%)
76-44-8	heptachlor
7440-38-2	inorganic arsenicals (above 0.5 oz. active ingredient)
112-56-1	lethane 384 (concentrations above 10%)
58-89-9	lindane (concentrations above 20%)
2032-65-7	mercaptodimethur, methiocarb (concentrations above 2%)
919-86-8	methyl demeton (concentrations above 7%)
315-18-4	mexacarbate (concentrations above 2%)
311-45-5	paraoxon
2310-17-0	phosalone (concentrations above 12%)
732-11-6	phosmet (concentrations above 20%)
23103-98-2	pirimicarb (concentrations above 15%)
23505-41-1	pirimiphos-ethyl (concentrations above 20%)
114-26-1	propoxur (concentrations above 2%)
7681-49-4	sodium fluoride
8001-35-2	toxaphene
52-68-6	trichlorfon (concentrations above 15%)

iv. Vertebrate pesticides as follows:

86-88-4	antu (concentrations above 4%)
1327-53-3	arsenic trioxide (concentrations above 1.5% in rodenticides)
504-24-5	avitrol
56073-10-0	brodifacoum (concentrations above 0.005%)
28772-56-7	bromadiolone (concentrations above 0.01%)
3691-35-8	chlorophacinone (concentrations 0.2% and above)
117-52-2	coumafuryl (concentrations above 3%)
535-89-7	crimidine
82-66-6	diphacinone (concentrations above 3%)
7723-14-0	phosphorus (yellow, white)
83-26-1	pindone (concentrations above 3%)
507-60-8	red squill (concentrations above 30%)
81-81-2	warfarin (concentrations above 3%)

v. Fumigants including, but not limited to, the following:

107-13-1	acrylonitrile
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20859-73-8	aluminum phosphide (Phostoxin)
592-01-8	calcium cyanide
75-15-9	carbon disulfide
56-23-5	carbon tetrachloride
7782-50-5	chlorine gas
76-06-2	chloropicrin
533-74-4	dazomet
542-75-6	dichloropropene
106-93-4	ethylene dibromide
107-06-2	ethylene dichloride
75-21-8	ethylene oxide (carboxide)
74-90-8	hydrogen cyanide (hydrocyanic acid gas)
12057-74-8	magnesium phosphide
137-42-8	metam-sodium
74-83-9	methyl bromide
2699-79-8	sulfuryl fluoride (Vikane)

NOTE: Chemical Abstract Service (CAS) numbers of 7440-43-9, 7439-97-6, and 7440-38-2 are for the elemental form.

(b) Any pesticide restriction Federally imposed by the EPA shall take precedence over any restriction under the provisions of (a) above; providing, such federal restriction is more stringent than that of (a) above.

#### **7:30-2.11 Amending prohibited and restricted-use pesticide lists**

(a) The Department may revise the list of prohibited and restricted use pesticides designated by the State of New Jersey; provided that, any change in the list shall be made in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.

(b) Any person may petition the Department for modification of the listings in N.J.A.C. 7:30-2.9 or 2.10 provided that the petitioner shall supply adequate information (as determined by the Department) to demonstrate that the modification is necessary.

(c) The Department shall consider the following criteria when evaluating a pesticide for placement on the prohibited or restricted use pesticide list:

1. Acute toxicity;
2. Neurotoxicity;
3. Chronic health effects, including but not limited to:
  - i. Carcinogenicity;
  - ii. Mutagenicity;
  - iii. Teratogenicity;
  - iv. Embryotoxicity;
  - v. Reproductive effects.
4. Environmental fate, including but not limited to:
  - i. Persistence;
  - ii. Bioaccumulation;
  - iii. Frequency of detection in environmental media;
  - iv. Potential for contamination of "waters of the State."

5. Pesticide use pattern(s);
6. Pesticide regulatory history.

(d) For purposes of interpretation of (c) above, failure to evaluate all criteria or lack of definitive data in any review criterion so as to limit effective consideration in such area, shall not affect prohibition and/or restriction as determined by the department through evaluation of other criteria.

(e) When any pesticide is reclassified from general to restricted use, such restriction shall be immediate unless otherwise provided by US EPA for a pesticide restricted under N.J.A.C. 7:30-2.10(a)1 or unless otherwise provided by the Department in N.J.A.C. 7:30-2. The Department, at the time of reclassification, may provide a specified time period and any other condition for continued sale and/or use of the reclassified pesticide after evaluation of the criteria established in N.J.A.C. 7:30-2.11(c).

(f) No person shall distribute or sell a restricted use pesticide for resale only, to a retail dealer or distributor without first informing the purchaser in writing that the pesticide being distributed or sold is a restricted use pesticide.

### **7:30-2.12 Advertising**

(a) No person shall advertise in a manner which implies US EPA or Department approval of the person, the pesticide, or the pest control technique used.

(b) No person shall advertise in a manner which states or implies that a pesticide, pesticides, pest control technique or services including the use of pesticides, are non-toxic or safe. Such prohibited advertising practices may include, but are not limited to:

1. False statements about product effectiveness;
2. References to a product being recommended or endorsed by the US EPA or the Department;
3. A true statement used in such a way as to give a false or misleading impression, such as, "organic," "organic based," "natural" or "natural based";
4. Safety claims such as "environmentally safe," "nonpoisonous," "non-injurious," "harmless" or "nontoxic to humans and pets";
5. Non-numerical and/or comparative statements on the safety of a product such as, "contains all natural ingredients," "among the least toxic chemicals known," "pollution approved," "biodegradable" and "environmentally friendly";
6. False and misleading pictorial ads; and
7. Company names such as those which imply that the pesticides used are "safe," "natural" or "organic."

(c) No person shall advertise or represent himself or herself in any manner to the public, as performing a service for which licensing is required by this chapter, unless such person is so licensed.

1. Exceptions to (c) above shall be permitted only if the advertisement clearly states that:
  - i. The services advertised are subcontracted out to a licensed person, and such an arrangement between the two parties is documented in writing; or
  - ii. Only non-pesticidal methods of pest control are used.
2. Any reference to proper pesticide licensing or a pesticide license number shall include the word "pesticide," such as "licensed for pesticide use" or "pesticide license number...". This requirement will avoid confusion with other licenses or certifications which may also be obtained by an applicator or business.

- (d) No person shall advertise in a manner that is in violation of State or Federal law.